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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,051	10/27/2003	Michael Von Mayenburg	450-67182	6014

24197 7590 04/29/2005

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EXAMINER

TORRES, MELANIE

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,051

Applicant(s)

MAYENBURG ET AL.

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 4, 5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "service brakes" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

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2. Claim 4 is objected to because of the following informalities: In the claim amendments filed January 24, 2005, Claim 4 contains the phrase "A method according to claim 3" which was cancelled in a previous amendment. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4 and 8-10, are rejected under 35 U.S.C. 102(b) as being anticipated by Weiberle et al.

Re claims 4 and 8-10, Weiberle et al. teach a method of parking a vehicle having both service brakes and parking brakes, the method comprising: applying a first parking brake to brake at least one wheel attached to a first end portion of a first axle at one side of the vehicle without applying a parking brake to any wheel at the other end portion of the first axle opposite to said one end portion of the first axle; applying a second parking brake to brake at least one wheel attached to a second end portion of a second axle at a second side of the vehicle opposite to the first side of the vehicle and permitting the application of the service brakes to said at least one wheel attached to a first end portion of the first axle and to said at least one wheel attached to a second end

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portion of the second axle while the first and second parking brakes are applied.

(Column 3, lines 1-30)

5. Claims 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (GB 2286232).

Re claims 4, and 8-10 Smith discloses method of parking a vehicle comprising: applying a first parking brake to brake at least one wheel attached to a first end portion of a first axle at one side of the vehicle without applying a parking brake to any wheel at the other end portion of the first axle opposite to said one end portion of the first axle; and applying a second parking brake to brake at least one wheel attached to a second end portion of a second axle at a second side of the vehicle opposite to the first side of the vehicle; and wherein the first and second parking brakes are the only parking brakes on the vehicle. (See Figure 3 and Page 5, 3rd paragraph)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Ross et al.

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Re claims 5 and 7, Smith does not teach wherein the parking brakes of diagonally disposed wheels are coupled to a set of tandem axles. Ross et al. teaches parking brakes on diagonally disposed wheels coupled to a set of tandem axles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the braking system of Smith in the for use on the tandem axles of Ross et al. in order to provide additional stability to the vehicle.

Allowable Subject Matter

8. Claims 1-3, 6 and 11-14 are allowed.

Response to Arguments

9. Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

Applicant argues that Smith does not teach diagonal parking brakes. This argument is not found persuasive because as disclosed by Smith, the service brakes are used as parking brakes as disclosed on page 5, paragraph 3. Therefore, the rejections are maintained. The rejection of claims 4 and 5 was inadvertently overlooked in the prior office action and has been added above. Therefore, this action is made non-final.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571)272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT
April 27, 2005

Melanie Torres
4-27-05